

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Confirmation No. 6012

Edwin Southern

Attorney Docket No. 99 1174

Serial No. 09/422,804

Group Art Unit 1631

Filed October 22, 1999

Examiner A. Marschel

ANALYSING POLYNUCLEOTIDE SEQUENCES:

Mail Stop AMENDMENT

PATENT OFFICE FEE TRANSMITTAL FORM

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

Sir:

Attached hereto is a check in the amount of \$180.00 to cover Patent Office fees relating to filing the following attached papers:

A duplicate copy of this paper is being submitted for use in the Accounting Division, Office of Finance.

The Commissioner is authorized to charge any deficiency or to credit any overpayment associated with this communication to Deposit Account No. 23-0975, with the EXCEPTION of deficiencies in fees for multiple dependent claims in new applications.

Respectfully submitted,

Edwin Southern

Warren M. Cheek, Jk.

Registration No. 33,367

Attorney for Applicant

WMC/dlk

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Washington, D.C. 20006-1021

Telephone (202) 721-8200

December 8, 2005

[Check No. _____



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Mail Stop: Amendment

Edwin Southern : Attorney Docket No. 99_1174

Serial No. 09/422,804 : Group Art Unit 1631

Filed October 22, 1999 : Examiner A. Marschel

ANALYSING POLYNUCLEOTIDE

SEQUENCES

Confirmation No. 6012

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 THE COMMISSIONER IS AUTHORIZED TO CHARGE ANY DEFICIENCY IN THE FEE FOR THIS PAPER TO DEPOSIT ACCOUNT NO. 23-0975.

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the reference listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

	each U.S. Patent and U.S. Patent application publication;
[]	each reference previously cited in the international application PCT/; and/or
[]	each reference previously cited in prior parent application Serial No

1a. [] This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

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and thus no certification and/or fee is required.

1b. [X] This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

- (1) [] the certification of paragraph 2 below is provided, or
- (2) [X] the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.
- 1c. [] This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

- 2. It is hereby certified
 - a. [] that each item of information contained in this Information Disclosure

 Statement was first cited in any communication from a foreign patent office in a

 counterpart foreign application not more than three months prior to the filing of
 the Statement, or
 - b. [] that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.
- 3. [] Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4.		r each made	non-English language reference listed on the attached form PTO-1449, reference to:
	a.	[]	a full or partial English language translation submitted herewith,
	b.		a foreign patent office search report (in the English language) submitted herewith,
	c.	[]	the concise explanation contained in the specification of the present application at page,
	d.	[]	the concise explanation set forth in the attached English language abstract,
	e.	O	the concise explanation set forth below or on a separate sheet attached to the reference:
5.	[]	A for	eign patent office search report citing one or more of the references is enclosed.
6.	[]	State	ment Under 37 CFR 1.704(d)
	Ea	ch ite	m of information contained in the Information Disclosure Statement was first

7. [X] The cited references are documents and Declarations filed in the EPO and Japan in relation to opposition proceedings and appeals.

thirty days prior to the filing of the Information Disclosure Statement.

cited in any communication from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in §1.56(c) more than

Respectfully submitted,

Edwin Southern

By

Warren M. Cheek, Jr.

Registration No. 33,367

Attorney for Applicant

WMC/dlk Washington, D.C. 20006-1021 Telephone (202) 721-8200 Facsimile (202) 721-8250 December 8, 2005

Sheet 1 of 13			INFORMA	TION DISCLOSURE STATEMEN	IT						
FPRE PTO 1449 (modified)	TMENT OF COMMERCI		ATTY DOCKET NO. 99_1174		SERIAL I 09/422,					
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*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CL	ASS	SUBCLASS	FILING DA			
	AA	4,216,245	8/1980	Johnson	4	27	2				
,	AB	4,395,486	7/1983	Wilson et al.	4	35	6				
	AC	4,563,419	1/1986	Ranki et al.	4	35	6				
FOREIGN PATENT DOCUMENTS											
		DOCUMENT NUMBER	DATE	COUNTRY	CL	ASS	SUBCLASS	TRANSLA YES	TION NO		
	AD	0 235 726	9/1987	EP							
	AE	0 171 150	2/1986	EP							
	AF	85/01051	3/1985	wo							
	AG	0 268 237	5/1988	EP							
	АН										
	·	OTHER	DOCUMENT(S) (/	ncluding Author, Title, Date, Perti	inent Pages	s, Etc.)					
	AI	Declaration from Ra	domir Crkvenja	akov (with four exhibits), S	Septembe	er 1996.					
	AJ	Declaration from Iva	ın Labat , Sept	ember 1996.					,		
	AK	Statement from the 1996.	Institute of Mol	ecular Genetics and Gene	etic Engir	neering ((IMGGE) in Be	lgrade, Septe	mber		
	AL	Statement by Professor Roger Ekins (with an abstract of a lecture given by him on 4/11/88 at a symposium, and a post-published paper corresponding to said lecture), December 1996.									
	АМ	Statutory Declaration of Dr. Nichlolas Vaughan Ashely (with Exhibit NVA1), May 1995.									
Г	AN	Statutory Declaratio	n of Dr. Willian	n Bains (with Exhibits WB	1, WB2 a	ınd WB3	3), May 1995.	·			
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Sheet 2 of 13			INFORMA	TION DISCLO	SURE STATEMEN	T				
FORM PTO 1449 (·	TMENT OF COMMERC	F	ATTY DOC 99_117			SERIAL 09/422			
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	BA	4,704,353	11/1987	Hump	ohries et al.		135	4		
	ВВ	4,327,073	4/1982	1	Huang	4	124	1		_
	вс	4,728,502	3/1988	1	Hamill	4	122	116		
	BD	5,002,867	3/1991	М	acevicz		135	6		
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•	BE	88/01302		wo						
	BF	86/03782	7/1986		wo				***	
	BG	0 238 332	9/1987		EP					
	вн	2 156 074	10/1985		GB					
	ВІ	0 237 362	9/1987		EP					
		OTHER	DOCUMENT(S)	Including Auth	or, Title, Date, Pertii	nent Page	s, Etc.)		-	
-	BJ	Declaration of Profe	essor Lubert Si	tryer, Janua	ry 1997.					
	вк	Statutory Declaration	on of Dr. Willia	m Bains, Ja	nuary 1997.					
	BL	Statutory Declaration	on of Dr. Nicho	las Vaugha	n Ashley, Janua	ary 1997	·.			
	вм	Declaration of Edwi	n Mellor South	ern (with Ex	chibits EMS1 an	nd EMS2	2), Janua	агу 1998.		
	BN	Declaration of Dr. T	claration of Dr. Thomas Gingeras, January 1999.							
	во	Declaration of Profe	essor Calvin Q	uate, Janua	ry 1999.					
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	CA	5,202,231	4/1993	Drma	anac et al.	4	135	6		
	СВ	5,474,796	12/1995	В	rennan	4	127	2.13		
	СС	5,429,807	7/1995	Mat	son et al.		122	131		
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	CD	89/11548	11/1989		wo				·	
•	CF	93/22480	11/1993		wo					. !
	CF	0 386 229	9/1990		EP					
	CG	0 281 927	9/1988		EP					
	СН	0 130 739	1/1985		EP					
		OTHER	DOCUMENT(S) (Including Auth	or, Title, Date, Perti	nent Page	s, Etc.)			
-	CI	Declaration of Dr. G	lenn Mc Gall, 、	January 199	99.					
-	CJ	Declaration of Edwir	n Mellor South	ern, July 20	001.					
	СК	Bird & Bird, "Claima Technology (OGT) v	nt's Notice of E	Experiments ase no. HC	s", In the United 1999 02517, p	d Kingdo op. 1-12	m Litiga , July 31	tion between C , 2000, Londor	oxford Gene n, United King	gdom.
1	CJ Declaration of Marvin Stodolsky, October 1996.									
	CM M. S. Urdea et al., "A novel method for the rapid detection of specific nucleotide sequences in crude biological samples without blotting or radioactivity; application to the analysis of hepatitis B virus in human serum", Gene, Vol. 61, 1987, pp. 253-264.									
	CN	C. G. Miyada et al., 1987, pp. 94-107.	"Oligonucleotic	de Hybridiza	ation Technique	es", Met	hods in E	Enzymology, V	ol. 154, No. 6	5,
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Sheet 5 of 13			INFORMA	TION DISCLO	SURE STATEMENT					
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,	EC	0 142 299	5/1985		EP					
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-	EE	84/03564	9/1984		wo					
	EE	86/00991	2/1986		wo					
	EG	92/10092	6/1992		wo					
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	EM	R. K. Saiki et al., "A Oligonucleotide Pro						DNA with Alle	ele-Specific	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

Sheet 6 of 13			INFORMA	TION DISCLO	SURE STATEMEN	IT				
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•	FH	A. Rosenthal et al., different eligodeoxy Research, Vol. 13, I	"Solid-phase m	methods for s using a ne	sequencing of rew, mechanical	nucleic ly stable	acids I. S			
	FJ	B. Lewin, Ed., "Ger	nes", Third Edit	tion, 1987, _l	pp. 360-362, Jo	hn Wile	y & Son	s, NY, NY.		
	FJ	R. B. Wallace et al., Base Pair Mismatch	, "Hybridization ı", Nucleic Acic	of Synthet ds Research	ic Oligodeoxyrit n, Vol. 6, No. 11	onucle I, 1979,	otides to	O _x 174 DNA: T 3-3557.	he Effect of \$	Single
`	FK	G. Beltz et al., "Isola Methods", Methods						gies by Filter H	ybridization	
	FL	Doklady Biochemist Russian Original, Vo Consultants Bureau	ol. 303, No. 1-6	6, Novembe	er-December 19	88, pp.	355-452	and Translatio	Section, on from Russi	ian,
	FM	F. C. Kafatos et al., a dot Hybridization F	"Determinatior Procedure", Nu	n of Nucleic ucleic Acids	Acid Sequence Research, Vol.	∍ Homol . 7, No.	logies ar 6, 1979,	nd Relative Con pp. 1541-1552	ncentrations t	by
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

Sheet 7 of 13 ·			INFORMA	TION DISCLOSURE STAT	EMENT				
FORM PTO 1449 (<i>i</i>		TMENT OF COMMERC	E	ATTY DOCKET NO. 99_1174		SERIAL 09/422			
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(GK	P.T. Gilham, "The S Polynucleotides", J.	ynthesis of Po Am. Chem. So	lynucleotide-Cellulose oc., Vol. 86, Novembe	es and Their er 20, 1964, p	use in the	e Fractionation 4985.	of	
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	GM	G. M. Church et al.,	"Genomic Sec	uencing", Proc. Natl.	Acad. Sci., \	 √ol. 81(7)	, April 1984, pp	o. 1991-1995	
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

Sheet 8 of 13 •			INFORMA	TION DISCLO	SURE STATEMENT						
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	HG	P. Masinkowski et a Breast Cancer Cell I							F-7 Human		
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Sheet 9 of 13 •			INFORMA	TION DISCLOSURE STATEMEN	τ						
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	ID .		Bugawan et al., "Rapid HLA-DLB Typing Using Enzymatically Amplified DNA and Nonradioactive quencing-Specific Oligonucleotide Probes", Immunogenetics, Vol. 32, 1990, pp. 231-241.								
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	IG	U. Maskos et al., "A Synthesised on a Gl	Study of Oligo ass Support",	onucleotide Reassociation (Nucleic Acids Research, V	using Large Arr ol. 21, No. 20,	ays of Oligonucl 1992, pp. 4663-4	eotides 4669.				
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Sheet 10 of 13			INFORMA	TION DISCLOSURE STATEMEN	г						
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	JI			IA Immobilized on Plastic a Chemistry, Vol. 31, No. 9, 1			DNA by				
	JI	J. Welsh et al.,"Prot	ein-DNA Cross	s-Linking" TIBS, Vol. 9, Dec	cember 1984, p	pp. 505-508.					
	JJ	G. H. Parsons, Jr., " pp. 224-238.	Antibody-Coat	ed Plastic Tubes in Radioi	mmunoassay",	Meth., Enzymol.	, Vol. 73, 1973,				
	JK	Southern et al., Gen Oligonucleotides", V		zing and Comprising Nucle p. 1008-1017,	ic Acid Sequen	ces by Hybridiza	ition to Arrays of				
	JL		-		-						
EXAMINER				DATE CONSIDER	RED.						

Sheet 11 of 13			INFORMA	TION DISCLOSURE STATEMENT				
FORM PTO 1449 (r		TMENT OF COMMERC		ATTY DOCKET NO. 99_1174	SERIAL 09/422			_
PAT LIST OF	REFERE	D TRADEMARK OFFIC NCES CITED BY APPLICAL	E	APPLICANT Edwin SOUTHERN	-1			
		eral sheets if necessary) I to PTO: December 8, 2	005	FILING DATE October 22, 1999		GROUP 1631		
			U.	S. PATENT DOCUMENTS				
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DA	
	KA	5,486,452	1/1996	Gordon et al.	435	5	,	
	KB	4,994,373	2/1991	Stavrianopoulos et al.	435	5		
	кс	4,968,602	11/1990	Dattagupta	435	6		
	KD	4,961,915	10/1990	Martin	422	116		
r	KE	4,849,330	7/1989	Humphries et al.	435	4		
·	KF	4,451,433	5/1984	Yamashita et al.	422	63		
	KG	5,202,231	4/1993	Drmanac	435	6	,	
	КН	4,299,916	11/1981	Litman et al.	435	6		
			FOR	EIGN PATENT DOCUMENTS				
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLA YES	ATION NO
	KI	84/01031	3/1984	wo				
		OTHER	DOCUMENT(S)	Including Author, Title, Date, Pertine	ent Pages, Etc.)			
•	KJ	Webster's Third Ne USA, 1966, pages v	w International with the definiti	Dictionary, G & C Merriam ons of the terms "solid" and	Company, Pub "sheet".	olishers, Springf	ield, Massac	husetts,
	KK	The American Herit 1991, page with the		, Second College Edition, H ne term "smooth".	oughton Mifflin	Company, Bos	ton, Massacl	husetts,
	KL	The Dictionary of Coglass".	eramic Science	e and Engineering, Plenum	Press, New Yo	rk, NY, 1984 - c	lefinition of "	smooth
	KM	Academic Press Did	ctionary of Scie	ence and Technology, San D	Diego, CA , 199	92 - definition of	"smooth".	
	KN	S. F. Wolf et al., "Ra Acids Research, Vo		ion Kinetics of DNA Attache 987, pp. 2911-2926.	ed to Submicro	n Latex Particle	s", Nucleic	
	ко			on of DNA via Oligonucleotic Acids Research, Vol. 15, N			r Carboxylic <i>i</i>	Acid
EXAMINER				DATE CONSIDER	ED			

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

Sheet 12 of 13			INFORMA	ATION DISCLOSURE STATEMEN	NT						
FORM PTO 1449 (modified)				ATTY DOCKET NO. SERIAL 99_1174 09/42							
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S)				APPLICANT Edwin SOUTHERN							
(Use several sheets if necessary) Date Submitted to PTO: December 8, 2005				FILING DATE October 22, 1999			GROUP 1631				
U.S. PATENT DOCUMENTS											
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CL	ASS	SUBCLASS FILING APPRO				
	LA										
	LB										
<i></i>	LC										
FOREIGN PATENT DOCUMENTS											
•		DOCUMENT NUMBER	DATE	COUNTRY	CL	ASS	SUBCLASS	TRANSLATION YES NO			
	LD										
	LE										
	LF			,,							
	LG										
•	LH										
	OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)										
	LI	Letter to Simon Kiddle from Dr. Renzo Malvano, November 2002.									
	LJ	Letter to Simon Kiddle from Dr. Gian Carlo Zucchelli, November 2002.									
	LK	Declaration of Professor Alberto Albertini, November 2002.									
	LL	Declaration of Dr. Gianni Messeri, November 2002.									
	LM	Second Statement of Professor Roger Ekins, January 2003.									
EXAMINER				DATE CONSIDE	RED						

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.

Sheet 13 of 13			INFORMA	TION DISCLO	SURE STATEMEN	Т					
FORM PTO 1449 (modified)				ATTY DOCI			SERIAL 09/422				
U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S)				APPLICANT Edwin SOUTHERN							
(Use several sheets if necessary) Date Submitted to PTO: December 8, 2005				FILING DATE October 22, 1999			GROUP 1631				
U.S. PATENT DOCUMENTS											
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE		NAME	CL	ASS	SUBCLASS	FILING DATE IF APPROPRIATE		
•	МА			<u></u>		ļ					
	МВ										
			FOR	EIGN PATENT	DOCUMENTS						
		DOCUMENT NUMBER	DATE	C	DUNTRY	CL	ASS	SUBCLASS	TRANSLATION YES NO		
	МС										
	MD										
		OTHER	DOCUMENT(S) (Including Author	or, Title, Date, Pertir	nent Pages	s, Etc.)				
	ME	Slides used in Professor Ekins' lecture at the International Biotech RIA '88 Conférence in Florence on 11 th April 1988.									
	MF	Lev. D. Gelb and K.E. Gubbins, "Characterization of Porous Glasses by Adsorption: Models, Simulations and Data Inversion", Fundamentals of Adsorption, Vol. 6, 1999, pp. 551-556.									
	MG	Pharmacia Catalogue 1998, page describing Hybond-NX.									
·	МН	Translation of EP A 0197266 filed for UK national validation, 1991.									
	MI	E. M. Southern, Award Molecular Bioanalytics 2004, Biography.									
,	МІ	Award Molecular Bioanalytics 2004.									
	MK	Bio Array News, Vol. 1, No. 1, June 1, 2001, pp. 1-10.									
	ML	News Events, Journal of Biomolecular Techniques, Vol. 15, 2004, pp. 152-153.									
EXAMINER					DATE CONSIDERED						

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy this form with next communication to applicant.